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UNITED STATES OF AMERICA

Plaintiff.

v.

LUIS RIVERA,

Defendant

Case No. SACR 06-53 CJC

## ORDER OF DETENTION

[Fed.R.Crim.P. 32.1(a)(6); 18 U.S.C. §3143(a)]

The defendant having been arrested in this judicial district pursuant to a warrant issued by the Honorable Cormac J. Carney, United States District Judge, for an alleged violation of the terms and conditions of the defendant's supervised release; and

The Court having conducted a detention hearing pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), The Court finds that:

A. (X) The defendant has not met his burden of establishing by clear and convincing evidence that he is not likely to flee if released under 18 U.S.C. § 3142(b) or (c) by failing to proffer any evidence to rebut the presumption. Further, defendant is a flight risk because of his lack of bail resources, lack of a stable residence, and the nature of the charged offense, which indicates the defendant is unlikely to comply with conditions of release; and

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1 B. (0) The defendant has not met his burden of establishing by clear and convincing  
2 evidence that he is not likely to pose a danger to the safety of any other person  
3 or the community if released under 18 U.S.C. § 3142(b) or (c). This finding  
4 is based on the defendant's failure to proffer any evidence to rebut the  
5 statutory presumption, as well as the nature of the charged offense and  
6 defendant's criminal history.

7  
8 IT THEREFORE IS ORDERED that the defendant be detained pending the further  
9 revocation proceedings.

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11 Dated: December 4, 2012

12 /s/ Arthur Nakazato  
13 ARTHUR NAKAZATO  
14 UNITED STATES MAGISTRATE JUDGE

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